



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

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### Selectmen's Meeting Minutes

Monday, December 19, 2005

The Board of Selectmen met on Monday evening at 6:00 P.M. The members present were: Selectman Lemoine, Selectman O'Connor, Selectwoman Puleo and Selectwoman Schnackertz. Selectman Booth was absent this evening. The Board was introduced and the meeting called to order.

#### 1. 6:00 P.M. – Police Commendations

The Police Chief and the Deputy Police Chief were in attendance to present a commendation to two officers for their heroic deed on Saturday, December 3, 2005 on arrival at an accident scene. Once at the scene the officers discovered the victim trapped in his burning car. The officers remained with the victim and kept trying to extricate him from the vehicle. The Officers through their efforts saved the victims life. The Chief commends and thanks Officer Ron Goulet and Officer Jack Georges for their dedication, commitment and professionalism. They are true heroes. The Board also expressed their thanks and congratulations to the Officers.

#### 2. 6:05 P.M. – Police Appointments

The Police Chief and the Deputy Police Chief were in attendance to request that the Board appoint two police dispatchers/special officers to fill the full time Police patrolman positions left vacant with the resignation of a patrolman and the promotion of a patrolman to fill the position of a retired sergeant. They are Officer Patrick A. Timmons and Officer Michael W. Cassella. Both officers are EMT certified and are graduates of the Massachusetts Municipal Reserve/Intermittent Police Academy. Both officers are a welcome addition to the department.

Motion by Selectman O'Connor to allow the Chief to hire Patrick Timmons and Michael Cassella as full time patrolmen with the start date to be determined by the chief, second by Selectman Lemoine,

Vote – 4 in favor 1 absent 0 opposed the motion does carry.

#### 3. Citizens' Time

The Board Chair inquired if there were any citizens in the audience who wished to speak on a non agenda item. No one came forward. The Board continued with their agenda.

#### 4. Annual License Renewals

The Board has received and reviewed the renewal information that was submitted and voted to renew all the licenses issued by the Board with the condition that all the licensees have passed their safety inspections and have paid any and all fees to the town by December 31, 2005. The Board read each category individually for the record.

The Clerk read the list of the automatic amusement device license holders, it is as follows: Robert D. Pelletier American Legion Post #247 (1 juke box, 2 video poker machine and 1 pool table); Banjo Pub (1 pool table, 1 juke box, 1 golden tee force, 1 mega touch force 2005 and 2 video poker machines); Firehouse Restaurant (2 double draw poker machines, 1 juke box); Maxamillian's Billiards (26 pool tables, 2 mega touch force 2002, 1 touch tunes jukebox, 1 golden tee force 2002); Namco at AMC Theatres Tyngsboro 12 Cinema (1 gauntlet legends, 1 Hollywood photo, 1 pinnacle crane, 1 police trainer, 1 Sega super gt tw, 1 time crisis est and 1 18 wheeler std); O'Conley's (1 jukebox, 2 pool tables, 1 pinball, 1 golden tee 2k, 1 mega touch xl, 2 double up machines); Pub 30 Something (2 pool tables, 1 jukebox, 1 mega touch maxx, 2 video poker machines); Roller Kingdom (2 wheel of fortune machines, 1 hockey fast rack, 2 hoop fever machines, 1 Daytona USA, 2 wonder wheel machines, 3 ice ball machines, 2 cyclone machines, 1 ms packman/galaga machine, and 1 mighty driver machine), Pines Restaurant (1 Riviera by Merit).

Motion by Selectman O'Connor to approve all the automatic amusement devices to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the common victuraller's license holders, it is as follows: AMC Theatres Tyngsboro 12 Cinema, Aramark Corp (Voke School), Banjo Pub, Bella Italia Restaurant, Blue Moon Lounge, Bridgeview Convenience Store, Caffee Il Ciproso, Carrabba's Italian Grill, Chartwell's Dinning Service (Tyngsborough Schools), Comets, Country View Diner, Dream Diner, Dunkin Donuts, Firehouse Restaurant, Flint's Pizza & Seafood, Flint Pond Enterprises, Flint's Corner Convenient Store, Jacoppi's Italian Restaurant, Kentucky Fried Chicken, Lake East Restaurant, Lakeside Pizza & Seafood, Li'l Lobster Boat, 310 Realty, LLC, Max's Golf, Maxamillians, Lukoil/Texaco, O'Conley's, Olive Garden Italian Restaurant, Olympic Pizza, On the Border Restaurant, On the Run Store, Outback Steakhouse, Papa Romano's Pizza Pizzaz, Pub 30 Something, Robert D. Pelletier American Legion Post #247, Roller Kingdom, Skate 3 Snack Bar, Smokey Bones, Stonehedge Inn, Sullivan Farms Ice Cream,

Sun City Variety, The Pines Restaurant, Tyngsboro Country Club, Tyngsboro General Store, Tyngsboro Sportsman's Club, Vesper Country Club, Wine Society.

Motion by Selectman O'Connor to approve the common victualler's license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the all alcohol beverages package store license holders, it is as follows: P. Shiv, Inc. DBA Flint's Corner Convenient Store, and Ziemplak Enterprises, Inc. DBA G&G Liquors.

Motion by Selectman O'Connor to approve the all alcohol beverages package store license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the wine & malt beverages package store license holders, it is as follows: Jayesh Patel DBA Bridgeview Convenience Store, Flint Pond Enterprises, Inc., Stonehedge Inn Corporation, Anjali, Inc., DBA Sun City Variety, Murco, Inc., DBA Tyngsboro General Store, and New England Wine Company LTD, DBA Wine Society.

Motion by Selectman O'Connor to approve the wine & malt beverages package store license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the wine & malt beverages club license holders, it is as follows:  
Vesper Country Club.

Motion by Selectman O'Connor to approve the wine & malt beverages club license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the wine & malt beverages restaurant license holders, it is as follows: Demari Montini (USA, LTD DBA Bella Italia, Caffee IL Cipresso, Inc. DBA Café Il Cipresso, Gorge Tsignos and Anastasios Doukas DBA Flint's Pizza & Seafood, and IPEROS, Inc. DBA Olympic Pizza.

Motion by Selectman O'Connor to approve the wine & malt beverages restaurant license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine, Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the all alcohol beverages club license holders, it is as follows:

Robert D. Pelletier American Legion Post #247, DBA American Legion, Tyngsboro Sportsman's Club, and Vesper Country Club.

Motion by Selectman O'Connor to approve the all alcohol beverages club license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine, Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the all alcohol beverages innholders license holders, it is as follows: Stonehedge Inn.

Motion by Selectman O'Connor to approve the all alcohol beverages innholders license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine, Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the all alcohol beverages restaurant license holders, it is as follows: Dutone Corp, Inc. DBA Banjo Pub, Tyngsborough Entertainment Company, Inc. DBA Blue Moon, Carrabba's Italian Grill, AML, Inc. DBA Firehouse Restaurant & Lounge, Jaccopi's Italian Restaurant, Inc., 310 Realty LLC DBA Jazzwine Grille, Maxamillians, Inc., Ramoura, Corp DBA O'Conley's, Brinker Mass Corp. DBA On the Border, Outback/New England-1, LTD DBA Outback Restaurant, Mac-Man, Inc. DBA Pub 30 Something, GMRI, Inc. DBA The Olive Garden Italian Restaurant, GMRI, Inc. DBA Smokey Bones BBQ, and Tyngsboro Country Club Inc. DBA Tyngsboro Country Club.

Motion by Selectman O'Connor to approve the all alcohol beverages restaurant license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the weekday entertainment license holders, it is as follows: AMC Theatres Tyngsboro 12 Cinema, Banjo Pub, Blue Moon Lounge, Carrabbas, Comets, Firehouse Restaurant, Jazzwine Grille, Maxamillians, O'Conley's, On the Border, Pub 30 Something, Robert D. Pelletier American Legion Post #247, Roller Kingdom, Skate III, Smokey Bones, BBQ, Stonehedge Inn, Tyngsboro Country Club, Vesper Country Club.

Motion by Selectman O'Connor to approve the weekday entertainment license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the Sunday entertainment license holders, it is as follows: AMC Theatres Tyngsboro 12 Cinema/Namco Cybertainment, Inc., Blue Moon Lounge, Banjo Pub, Carrabbas, Comets, Firehouse Restaurant, Maxamillians, O'Conley's, On the Border, Outback Steakhouse, Pub 30 Something, Robert D. Pelletier American Legion Post #247, Roller Kingdom, Smokey bones BBQ, Stonehedge Inn, Tyngsboro Country Club, Vesper Country Club.

Motion by Selectman O'Connor to approve the Sunday entertainment license to the above named establishments as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Clerk read the list of the adult entertainment license holder, it is as follows: Tyngsborough Entertainment Company, Inc. DBA Blue Moon & Lounge.

Motion by Selectman O'Connor to approve the adult entertainment license to the above named establishment as read on the condition that all inspections

are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry

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The Clerk read the list of Class I license holder, it is as follows: New England Transit Sales.

Motion by Selectman O'Connor to approve the Class I license to the above named business as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry

The Clerk read the list of Class II license holder, it is as follows: Forrest Marine Trailer Sales, LCM Auto Sales, Modern Auto Sales, Performance Sales, Tyngsboro Equipment, Tyngsboro Motor Sales, and Tyngsboro Muffler & Brake. Motion by Selectman O'Connor to approve the Class II license to the above named businesses as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry

The Clerk read the list of Class III license holder, it is as follows: A. G. Pennino, Co., Auto Craft Enterprises, and Duff's Garage. The business R. H. Dean Used Cars and Parts withdrew their license application. The Board did not renew the Class III license for R. H. Dean Used Cars and Parts.

Motion by Selectman O'Connor to approve the Class III license to the above named businesses as read on the condition that all inspections are approved and all certificates are received and all fees are paid prior to December 31, 2005, second by Selectman Lemoine,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry

#### 5. Pawtucket Blvd Relocation Discussions

The Board members attended the Mass Highway's 25% completion phase hearing on the Pawtucket Blvd relocation on November 17, 2005. Selectman Lemoine wanted to discuss the relocation at this evening's meeting. Selectman Lemoine has met with the residents that would be impacted by the relocation. There would be an actual taking of 31 eminent domain takings and one building at 5 Frost Road that would be a complete taking. Fifty-seven residents would be impacted with the relocation. Once the State has started it will take approximately 18 months to complete. The Board discussed sending a letter to Mass Hwy to support the residents at 3, 7 and 11 Indian Lane to ask the State

to have a full taking these residents are directly impacted losing 30% of sq. footage. The Board further discussed the possibility of a cul-de-sac on Indian Selectmen's Minutes 12/19/05  
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Lane; the Chiefs agreed that there would be no impediment to safety vehicles. Other topics for discussion were the sound study and the lighting for the extension. Pawtucket Blvd would continue to access from both sides with no left turn out of the Blvd. Mr. Kinney resident of Indian Lane is asking for the Board's support on the full taking, he is not in favor of a cul-de-sac would like to have Indian Lane remain open and is requesting that the Hwy Supt. not sign anything over to the State w/o a written agreement. The Board thanked Mr. Kinney for attending the meeting and for his input. And thanked Selectman Lemoine for his report and voiced there support on the following.

Motion by Selectman Lemoine to move forward to submit a letter to Mass Hwy in support of the full taking of residents 3, 7 and 11 Indian Lane, to have the State do a full sound study, and to ask for the lighting to be incorporated into the design, and also for Mass Highway to flag the properties to be affected on Indian Lane for a walk through by Town and State officials, second by Selectwoman Puleo,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

Note – Schedule a hearing on the cul-de-sac on Indian Lane, the Board would like to have the input of the Indian Lane residents.

#### 6. Council on Aging – Appointments/Resignation

The Board has received correspondence from the Director of the Council on Aging notifying the Board of a recent resignation and a request from the Council on Aging committee members that the Board of Selectmen appoint the two applicants whose name have been submitted with their respective resumes.

Motion by Selectman O'Connor to accept the resignation of Thelma Novak with regrets, second by Selectwoman Karyn Puleo,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

Motion by Selectman Lemoine to appoint Eleanor Thibodeau and Grace Ann Steed as members to the Council on Aging, and requests that the Council on Aging members send a letter of support to the Board of Selectmen, second by Selectman O'Connor  
Vote = 4 in favor 1 absent 0 opposed the motion does carry.

#### 7. Other Business (If Necessary)

The Board received a notice from the State Lottery Commission informing the Board that Forrest Marine (Class II License Holder) has applied for a Keno

license. The Board reviewed the letter and having no concerns decided not to oppose the request.

The Board received correspondence from the Administrator suggesting the Board open the warrants for the Annual Town Meeting and the Special Town Meeting to be held on May 16, 2006.

Motion by Selectwoman Puleo to open (effective 12/20/05) the warrants for the Annual Town Meeting and Special Town Meeting to be held on May 16, 2006 and to close the warrants on February 21, 2006, second by Selectman O'Connor,

Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Board received a correspondence from the Town Treasurer suggesting that the Town reduce its reimbursement for 2006 mileage to the new IRS rate of \$.446 per mile.

Motion by Selectwoman Puleo to reduce the mileage reimbursement rate to \$.445 per mile effective January 1, 2006, second by Selectman O'Connor,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The Chair hearing no other business continued with the agenda.

#### 8. Correspondence

The Clerk read to list of correspondence into the record.

Motion by Selectman O'Connor to accept and incorporate the 22 pieces of correspondence as submitted, second by Selectwoman Puleo,  
Vote – 4 in favor 1 absent 0 opposed the motion does carry.

#### 9. Approve Minutes of November 28, 2005

The Board received and reviewed the Minutes of November 28, 2005.

Motion by Selectman O'Connor to approve the Minutes of November 28, 2005 with the correction to incorporate in the last sentence of Citizen's Time that Rosemary was to report to the Board of Selectmen, second by Selectwoman Puleo,

Vote – 4 in favor 1 absent 0 opposed the motion does carry.

#### 10. Selectmen's Notes

The Board wished everyone a very merry Christmas and a safe holiday.

#### 11. Town Administrator's Notes



The Administrator has been working on the budget for review and time line. As well as working on the description combining the Assistant Town Administrator and Treasurer's job and is researching policies on purchasing.

Meeting with the department heads at the first planned monthly meeting worked well and plans to continue with the meetings.

12. Executive Session (If Necessary)

There was no executive session this evening.

13. Adjournment

The Chair hearing no further discussions entertained a motion to adjourn.

Motion by Selectman O'Connor to adjourn this evening's meeting, second by Selectwoman Puleo,

Vote – 4 in favor 1 absent 0 opposed the motion does carry.

The meeting was adjourned at 7:15 P.M.

Respectfully submitted

Therese Gay  
Admin Assist.